General Assembly

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/57/554)*]

57/195. The fight against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and all other resolutions on this matter,

Recalling also its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001,[1] as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

Recalling further its resolutions 56/265 and 56/267 of 27 March 2002, on the Third Decade to Combat Racism and Racial Discrimination and on measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance,

Stressing that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[2] attaches importance to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Convinced that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance made an important contribution to achieving the goal of eradicating racism, racial discrimination, xenophobia and related intolerance and that the results of the Conference have to be fully implemented without delay through effective action,

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[1] See A/CONF.189/12 and Corr.1, chap. I.

[2] A/CONF.157/24 (Part I), chap. III.

Recognizing that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political and other opinion, social origin, property, birth or other status,

Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Welcoming the report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,[3]

Taking note of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[4]

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism and racial discrimination and its conviction that racism and racial discrimination constitute a negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[5]

Reaffirming also its commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance,

Stressing the need for maintaining political will and momentum at the national, regional and international levels to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments undertaken under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

Recognizing that the successful implementation of the Programme of Action requires political will, international cooperation and adequate funding at the national, regional and international levels,

Deeply concerned that, despite continuing efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to

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[3] A/57/83.

[4] See A/57/204.

[5] Resolution 217 A (III).

establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Alarmed, in particular, at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Reaffirming that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[6] are of paramount importance for the promotion of equality and non-discrimination in the world,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Recognizing that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

Emphasizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty,

Recalling the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[7]

Conscious of the fact that the history of humanity is replete with major atrocities as a result of gross violations of human rights, and believing that lessons can be learned from history to avert future tragedies,

Welcoming United Nations Educational, Scientific and Cultural Organization resolution 31C/28 of 2 November 2001 on the proclamation of 2004 as International Year to Commemorate the Struggle against Slavery and its Abolition,[8] and in this context noting that organization's slave route project,

Deeply concerned about the misuse, by those advocating racism and racial discrimination, of new communications technologies, including the Internet, to disseminate their repugnant views,

Noting that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

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[6] Resolution 2106 A (XX), annex.

[7] Resolution 45/158, annex.

[8] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October–3 November 2001*, vol. 1: *Resolutions*.

I

Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Affirms* that racism and racial discrimination, and xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Urges* States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

6. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

7. *Condemns* the misuse of print, audio-visual and electronic media and new communications technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

8. *Also condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

9. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

10. *Urges* States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II

International Convention on the Elimination of All Forms of Racial Discrimination

11. *Urges* States that have not yet done so to consider ratifying or acceding to the international human rights instruments that combat racism, racial discrimination, xenophobia and related intolerance, in particular to accede to the International Convention on the Elimination of All Forms of Racial Discrimination[6] as a matter of urgency, with a view to achieving universal ratification by 2005, and to consider making the declaration envisaged under article 14 thereof, to comply with their reporting obligations, to publish and act upon the concluding observations of the Committee on the Elimination of Racial Discrimination, to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

12. *Invites* States parties to ratify the amendment to article 8 of the Convention, on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

13. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[5] and article 5 of the Convention;

14. *Notes* that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 concerning article 4 of the Convention,[9] holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

15. *Welcomes* general recommendation XXVIII adopted on 19 March 2002 by the Committee on the Elimination of Racial Discrimination,[10] in which the Committee emphasized the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recommended measures to strengthen the implementation of the Convention as well as the functioning of the Committee;

III

Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

16. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;[1]

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[9] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

[10] Ibid., *Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI.

17. *Also emphasizes*, in that context, the fundamental and complementary role of the national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

18. *Calls upon* States to elaborate action plans, in consultation with national human rights institutions, other institutions created by law to combat racism, and civil society, and to provide the United Nations High Commissioner for Human Rights with such action plans and other relevant materials on measures taken to implement the provisions of the Durban Declaration and Programme of Action;

19. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

20. *Urges* States to support the activities of regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance where they exist in their region, and recommends the establishment of such bodies or centres in all regions where they do not exist;

21. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

22. *Emphasizes* that, in accordance with the Durban Declaration and Programme of Action, States have a shared responsibility, at the international level and within the framework of the United Nations system, to determine modalities for the overall review of the implementation of the Declaration and Programme of Action;

23. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Commission on Human Rights shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

24. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

25. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with those of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

26. *Decides* that the Economic and Social Council shall oversee system-wide coordination of the implementation of the Durban Declaration and Programme of Action;

27. *Also decides* that the Commission on Human Rights, as a functional commission of the Economic and Social Council, shall have a central role in the

monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the Council thereon;

28. *Reiterates its request* to the Secretary-General, in accordance with the Durban Declaration and Programme of Action, to appoint five independent eminent experts, one from each region, from among candidates proposed by the Chairperson of the Commission on Human Rights, after consultation with the regional groups, to follow up the implementation of the provisions of the Declaration and Programme of Action;

29. *Welcomes* the establishment within the Office of the United Nations High Commissioner for Human Rights of an Anti-Discrimination Unit to combat racism, racial discrimination, xenophobia and related intolerance and to promote equality and non-discrimination;

30. *Calls upon* the Office of the High Commissioner, in particular the Anti-Discrimination Unit, Member States and all other relevant stakeholders to work closely together regarding activities aimed at the effective implementation of the Durban Declaration and Programme of Action;

31. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the High Commissioner to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

32. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to take into account the follow-up to the Conference;

33. *Requests* the Secretary-General, the Economic and Social Council, the Commission on Human Rights and other relevant organs and bodies of the United Nations system to continue the fight against racism, racial discrimination, xenophobia and related intolerance, taking into account the relevant recommendations contained in the Durban Declaration and Programme of Action, and to reflect progress in this regard in their reports;

34. *Invites* all human rights treaty-monitoring bodies and all mechanisms and subsidiary bodies of the Commission on Human Rights to consider the relevant provisions of the Durban Declaration and Programme of Action in the discharge of their respective mandates;

35. *Encourages* the United Nations High Commissioner for Human Rights to continue and expand the appointment and designation of goodwill ambassadors in all countries of the world in order, inter alia, to promote respect for human rights and a culture of tolerance and to increase the level of awareness about the scourge of racism, racial discrimination, xenophobia and related intolerance;

36. *Reconfirms* the views of the World Conference on Human Rights, held at Vienna in 1993, on the urgency of eliminating denials and violations of human rights;

37. *Takes note* of Commission on Human Rights resolution 2002/68 of 25 April 2002[11] and Economic and Social Council decision 2002/270 of 25 July 2002;

38. *Decides* to proclaim 2004 the International Year to Commemorate the Struggle against Slavery and its Abolition;

IV

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

39. *Recalls* its proclamation, in resolution 48/91 of 20 December 1993, of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993 and will end in 2003;

40. *Notes with great concern* that, despite the many efforts of the international community, the objectives of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination have largely not been achieved, welcomes, therefore, the adoption of the Durban Declaration and Programme of Action,[1] and calls for its full implementation at the national, regional and international levels;

41. *Requests* the Secretary-General to prepare, through the Office of the United Nations High Commissioner for Human Rights, an analytical report on the extent of implementation of the Programme of Action for the Third Decade, to be submitted to the General Assembly at its fifty-eighth session and to the Commission on Human Rights at its fifty-ninth session;

V

Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

42. *Takes note* of the report of the former Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[4] and expresses its full appreciation for his work;

43. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

44. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations and non-governmental organizations to cooperate fully with the Special Rapporteur;

45. *Recognizes with deep concern* the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Jewish, Muslim and Arab communities;

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[11] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

46. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to further enhance their effectiveness and mutual cooperation;

47. *Also requests* the Special Rapporteur to collect information from all concerned, to respond effectively to reliable information that becomes available to him, to follow up on communications and country visits, and to seek the views and comments of Governments and reflect them, as appropriate, in his reports;

48. *Calls upon* States to cooperate with the Special Rapporteur and to give serious consideration to his requests to visit their countries so as to enable him to fulfil his mandate fully and effectively;

49. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur;

50. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the newly formed Anti-Discrimination Unit;

51. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

52. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-eighth session;

53. *Also requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-eighth session;

54. *Decides* to continue the consideration of this matter at its fifty-eighth session under the sub-item entitled "Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action".

77th plenary meeting
18 December 2002